

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:)
)
S-TRUCKING, INC.,) BANKRUPTCY NO. 07 B 20950
)
DEBTOR)

NOTICE OF MOTION

TO: Tim Smith
118 Osage Ct.
Oswego, IL 60543

Office of the U.S. Trustee
227 West Monroe St., Ste. 3350
Chicago, IL 60606

C. David Ward
Illini Legal Services Chartered
2756 Route 34
Oswego, IL 60543

On the 22nd day of May, 2008 at 10:00 a.m. or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Barbosa, or any Judge sitting in his stead in Courtroom 140 of the Kane County Courthouse, 100 S. 3rd Street, Geneva, Illinois, and then and there move the Honorable Court for hearing instant on the Motion to Designate Tim Smith as "Designated Person" Under Bankruptcy Rule 9001(5) and to Compel Turnover of Property, a copy of which is attached.

BY: /S/JOSEPH R. VOILAND

CERTIFICATE OF ATTORNEY

I certify that on May 9, 2008, I served this notice by depositing a copy of the same in a U.S. Government mail chute at the Yorkville Post Office, Yorkville, Illinois first class mail, postage fully prepaid and/or by electronic filing with the Clerk of the Bankruptcy Court, Northern District, Illinois.

/S/JOSEPH R. VOILAND

Joseph R. Voiland
1625 Wing Road
Yorkville, IL 60560
(630) 553-1951

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
MAY 13 2008
KENNETH S. GARDNER, CLERK
TEAM - E

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IN THE UNITED STATES BANKRUPTCY COURT
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IN RE:)
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S-TRUCKING, INC.,) BANKRUPTCY NO. 07 B 20950
)
DEBTOR)

MOTION TO DESIGNATE TIM SMITH REINKE AS "DESIGNATED PERSON"
UNDER BANKRUPTCY RULE 9001(5) AND TO COMPEL
TURNOVER OF PROPERTY

Now comes Joseph R. Voiland, trustee herein, and pursuant to Bankruptcy Rule 9001(5) prays the honorable court for the entry of an order designating Tim Smith "designated person" to perform all acts required to be performed by debtor and for the entry of an order compelling the designated person to turn over certain property of the estate, and in support thereof states as follows:

1. On November 8, 2007, the Debtor, S-Trucking, Inc. filed a voluntary petition in bankruptcy under Chapter 7 of the Bankruptcy Code.
2. That Joseph R. Voiland is the duly appointed, qualified and acting trustee in the above referenced bankruptcy proceeding.
3. That Tim Smith is the president of S-Trucking, Inc.
4. The Debtor is the owner of a 953 LGP CAT Loader.
5. That on April 10, 2008 the court authorized the employment of an auctioneer to auction and sell said tractor.
6. That upon inspection of the tractor by the auctioneer and a representative of Newark Truck and Tractor, the Trustee was advised that the final drive and dog pin were removed from the tractor making the tractor inoperable.

7. That the Trustee was advised that the removal of the final drive and dog pin had to have been intentional in that the tractor could not have been moved to its present place of storage without said items; and that said items were removed after the tractor was moved to its current place of storage.

8. That the cost to replace the final drive and dog pin is \$12,500.00.

9. That the removal of the final drive and dog pin has caused substantial cost and expense to this estate.

WHEREFORE, Joseph R. Voiland, trustee herein prays the Honorable Court as follows:

A. For the entry of an order designating Tim Smith as the "designated person" to perform the acts debtor is required to perform under the Federal Rules of Bankruptcy Procedure;

B. That Tim Smith turn over within three (3) days of entry of this order the final drive and dog pin

C. In the event Tim Smith fails to turn over the final drive and dog pin within three (3) days of the entry of an order directing him to do so, then the Trustee, upon notice shall be entitled to entry of judgment against Tim Smith in the amount of \$12,500.00 plus all costs, expenses and attorney's fees incurred by the estate in this proceeding.

BY: /S/JOSEPH R. VOILAND
JOSEPH R. VOILAND

Joseph R. Voiland
1625 Wing Road
Yorkville, IL 60560
(630) 553-1951

CERTIFICATE OF SERVICE

STATE OF ILLINOIS)
)
COUNTY OF KENDALL)

THE UNDERSIGNED, being first duly sworn on oath deposes and says that he served the above and foregoing Notice of Motion and Motion to Designate Tim Smith as "Designated Person" under Bankruptcy Rule 9001(5) and to Compel Turnover of Property by depositing the same in the U.S. Mail at the Yorkville Post Office, Yorkville, Illinois 60560, a true and correct copy thereof in a sealed envelope first class postage pre-paid, addressed to:

Tim Smith
118 Osage Ct.
Oswego, IL 60543

on the 9th day of May, 2008

and by electronic service on:

Office of the U.S. Trustee
227 West Monroe St., Suite 3350
Chicago, IL 60606

C. David Ward
Illini Legal Services Chartered
2756 Route 34
Oswego, IL 60543

/S/JOSEPH R. VOILAND

Signed and sworn to before me this

9th day of May, 2008

/S/BETH NEITZER
Notary Public